

INSIGHTS

Into The Weekly Parsha

בס"ד

FEBRUARY 25, 2017

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VOLUME 7, ISSUE 18

29 SHEVAT

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

PARSHAS MISHPATIM

Kindness Optional?

When you will lend money to My people, to the poor person who is with you, do not act towards him as a creditor; do not burden him with interest (22:24).

In this week's *parsha*, the Torah discusses a few laws relating to lending money to another Jew; you cannot press him for repayment if you know he hasn't the wherewithal to pay you back; it is also prohibited to charge interest, etc.

The word the Torah uses in the *possuk* is "im – when." Rashi (ad loc) cites an enigmatic teaching from the Tanna R' Yishmael: "Every use of the word 'im' in the Torah implies a voluntary act (the word 'im' always means 'if'), except for three places in the Torah – this being one of those places."

That is to say that while the word "im" usually means "if" which implies that it is an optional act, here instead the word "im" means "when" because lending money is actually obligatory (see Rashi at the end of *Parshas Yisro*, 20:22 where Rashi shows that the Torah actually commands one to lend money). Obviously this teaching begs the question; if the Torah actually meant "when" and not "if," then why not simply use the word "when"? Why should the Torah use a word that almost universally means "if"?

There is a fascinating discussion among the codifiers of Jewish law as to why certain opportunities to do *mitzvos*

require a blessing (e.g. blowing a *shofar* or putting on *teffilin*, etc.) while other opportunities do not require a blessing (e.g. honoring one's parents, acts of charity, etc). According to Rashba (*responsa* 1:18) there are no blessings made when there is another person involved because the completion of the act depends on another person. In other words, if one were to make a blessing recognizing Hashem's mandate to give charity, what happens when the intended recipient refuses or is unable to accept the gift? There is no certainty in completing the act when its completion is also dependent on another individual.

Another explanation given is that there is no *bracha* where it is a moral imperative and it is therefore done by both Jews and non-Jews. This is because in such a situation one is unable to say the words "Asher Kideshanu – that He sanctified us" which is a key component of blessings (*Aruch Hashulchan* YD 240:2). Maimonides (*Hilchos Brachos* 11:2) seems to say that we only make *brachos* on *mitzvos* that are between man and Hashem (*Bein Adom Lamokom*), thus exempting situations which included another person.

Perhaps we can explain this to mean that



the reason we don't make a *bracha* when another person is involved is that we don't appear to be objectifying another person as an opportunity for me to fulfill a *mitzvah*. Imagine if someone is in a desperate situation and they approach us for help; how would that person feel if our first response was to make a blessing thanking Hashem for the opportunity to fulfill one of his commandments? The whole purpose of honoring one's parents, for example, is to show them appreciation for all that they have done. By making a blessing, one is introducing the element that the reason for honoring them is due to an obligation, not a personal desire to display gratitude. This would seriously impact the effectiveness of one's act as the parents would have a hard time sensing the appreciation behind the act.

The same is true when someone really needs one's help. A major component of the *mitzvos* of *Gemilus Chassadim* (acts of kindness) is to be God-like (*Sotah* 5a). A fundamental principal of Jewish philosophy is that our world, and system of reward and punishment, was built on a system which would not embarrass the recipients of Hashem's kindness (*Nahama Dekisufa*). By using the word that usually means "if," the Torah here is teaching us a fundamental principal of helping others: Of course we **have** to lend money, but we should do it in a way that the recipient feels as if it is optional, and that helping them is something we **want** to do. Not something we **have** to do.



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One and the Same

If he shall come alone, he shall go out alone. If he is a husband of a (free) woman, his wife shall go out with him (21:3).

The Torah here is discussing the laws of a Jewish servant - "Eved Ivri"; that is, one who is sold into servitude to settle debts he incurred when he stole from others. During the years of servitude his wife is supported by his master; when he is freed from service, the financial responsibility for his wife now leaves the master and once again is upon him.

Rashi (ad loc) points out that the Torah uses a very unusual word for describing someone as unmarried - "begapo." Rashi goes on to explain; "the word 'begapo' literally means coattail - that he came in as he is; single and unmarried, in his clothing, within the edge of his garment." This is a rather unusual way of saying "bachelor," what is significance of using this word?

The word bachelor was first used in the 1300's to describe young men (squires) that were beginning the path to knighthood. The word therefore implies someone young and without experience. In fact, even today it has some of the same implication; the first degree one achieves in college is referred to as a bachelor's degree. But the Torah uses a very specific term; what is the meaning of using the word coattails for bachelorhood?

At first glance, one might think that it simply refers to something that is also similar to the English language expression "he came with nothing but the shirt on his back." But Rashi is very specific that it is referring to the "edge" of the garment. What does this really mean?

In many Sephardic communities the custom when getting married is that under the *chuppah* the groom wraps himself and his new wife in a *tallis*. The intended message is that they are now bonded as one and that his *tallis* wraps the two of them together as if they were now a single entity.

The Torah here, by using the word which means the edge of a garment, is describing what a marriage is. In a marriage, the edge of my garment no longer covers just me; it is covering my wife as well because we are now a single entity. If the edge of my garment only covers me then by definition I am unmarried. Therefore if the Jewish servant comes in with only himself at the edge of his garment - "begapo" - he must be unmarried.

Did You Know...

This week, in addition to *Parshas Mishpatim*, we also read *Parshas Shekalim*. *Parshas Shekalim* is the first of the "four *parshios*" that are added to the Torah readings in the next six weeks. *Parshas Shekalim* deals with the obligatory half shekel that was used to count males from the age of 20 and contributed to the funds that were used for parts of the Mishkan and its offerings. The *minhag* (custom) nowadays is to give a *zecher* (commemorative) half *shekel* as *tzedakah* as a remembrance of the half *shekel* which was collected in the time of the Beis HaMikdash before Nissan.

The first and most obvious question is; exactly how much was the half *shekel*? Since we know it was made out pure silver, we just need to establish its weight. We can then calculate the worth based on today's market value for silver, which is 58 cents per gram. Like many things in the

Jewish world, there are multiple opinions. Josephus (*antiquities* 3:8:2) says that it was equal to the weight of two Athenian Drachma, or estimated at about 5 dollars in today's silver. Another opinion (Rabbi Aryeh Kaplan) notes that it weighed .4 oz (11.34 grams), or 6.5 dollars.

Interestingly, Rambam (*Hilchos Shekalim* 1:5) says a half *shekel* weighed 160 barley grain's weight in silver. So of course the crack **Did You Know** investigative team counted out and weighed exactly 160 grains of barley, and it weighed 6.8 grams (equal to almost exactly 4 dollars). Remarkably, archaeological excavations conducted in Israel in 1999 to 2001 "dug up" a half *shekel* coin minted in the 2nd century CE, with "Half-Shekel" in ancient Hebrew written on it. This coin possessed a silver content of 6.87 grams, or almost the exact weight assigned to it by Rambam (*Oxford Centre for Hebrew and Jewish Studies*, London 2009, pp. 96; 118).

Nowadays the accepted Ashkenazi *minhag*

is 3 half dollars, or whatever coins are common in that place. The accepted Sefardi *minhag* (Rav Ovadyah in *Yalkut Yosef* and *Chazon Ovadyah*) is to give an amount equal to 9 grams of silver, as the Kaf Hachaim (694:20) concludes that that is equal to the original half *shekel*.

The second question is, when do we give it? Rama 694:1 (and *Mishna Brurah* 694:4) writes that the *minhag* is to give it before *mincha* of Taanis Esther. Interestingly, this year is unique in that Taanis Esther gets pushed back to Thursday while Purim is Motzei Shabbos. So Kaf HaChaim 694:25 adds that it should be given on Taanis Esther in order to combine the *tzedaka* with the fast.

However other opinions, like Kitzur *Shulchan Aruch* (141:5), write that the *minhag* is to give it before the reading of the Megillah. This is based on *Gemara Megillah* that says our *shekalim* counteract the *shekalim* of Haman read about in the Megillah.



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